IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WA.No. 1627 of 1999(C)

AGAINST THE JUDGEMENT IN OP.10723/1997 DATED 29/03/1999
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APPELLANTS/RESPONDENTS IN THE OP:
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1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVT.,
FOREST & WILD LIFE (C) DEPARTMENT,
SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF CONSERVATOR OF FORESTS,
THIRUVANANTHAPURAM.

3. THE CONSERVATOR OF FORESTS,
KOLLAM.

4. THE TAHSILDAR,
RANNI TALUK,
RANNI P.O.,
PATHANAMTHITTA DISTRICT.

BY SPL. GOVERNMENT PLEADER FOR FORST,
SHRI RANJITH THAMPAN.

RESPONDENTS/PETITIONER IN THE OP & HIS LEGAL REPRESENTATIVES:
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1. C.K. KRISHNAN ALIAS KITTAN (DIED),
PUTHUPURAYIDATHIL HOUSE,
PANACKAVAYAL,
MUKKOOTHUTHARA P.O.,
KOTTAYAM DISTRICT.

ADDL. 2. KALYANI KITTAN,
W/O. LATE KRISHNAN @ KITTAN,
PUTHUPURAYIDATHIL HOUSE,
MUKKOOTTUTHARA P.O.
KOTTAYAM.

WA NO.1627/99

ADDL. 3 C.K. RAVI,
S/O. LATE KRISHNAN @ KITTAN, DO. DO.

ADDL. 4 C.K. SANTHAMMA, D/O. LATE KRISHNAN, DO. DO.

ADDL. 5 C.K. PUSHPANGATHAN, S/O. LATE KRISHNAN, DO.

ADDL. 6. C. K. MOHINI, S/O. LATE KRISHNAN, DO.

ADDL. 7. C.K. MOLAMMA, D/O. LATE KRISHNAN, DO.

(ADDITIONAL RESPONDENTS 2 TO 7 ARE IMPLEADED AS PER ORDER IN I.A. NO.279/05 DATED 29.8.2005)

R2 TO R7 BY ADV. SRI.SIBY MATHEW
SRI. WILSON URMESE

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K. M. JOSEPH, J.

W. A. NO. 1627 OF 1999

Dated this the 1st December, 2007

JUDGMENT

H.L. DATTU, CJ.

The State, being aggrieved by the orders passed by the learned Single Judge in O.P. No. 10723 of 1997 dated 29.3.1999, is before us in this Writ Appeal.

2. The learned Single Judge while disposing of the Original Petition had issued the following direction:

> *"Under these circumstances, the Government is directed to assign the land either forest or otherwise as promised to the petitioner in Ext.P3 order. In Ext.P1 Judgment it was held that the petitioner has a right to get the assignment for settling and this Court observed that the failure to set a time limit by this Court contributed to the situation to a considerable extent. The same state of affairs still exist even after almost 25 years. Therefore, I do not want to continue the above state of affairs any more. Therefore, orders by the Government assigning the land to the petitioner pursuant to Ext.P3 not only must be passed, but the land must be handed over to the petitioner on or before 30th June, 1999. The Government is directed not to make any petition for extension of time in view of the peculiar circumstances as stated above."*

3. During the pendency of this Writ Appeal, the State Government has passed an Order dated 21.11.2007. By the said order, the State Government has entrusted the task for assigning 1.50 Acres in Survey No. 177/1-1 of Pallivasal Village, Idukki District to the legal representatives of late C.K. Krishnan. The proposal of the Government in the Order dated 21.11.2007 is not opposed by the learned counsel appearing for the contesting respondents.

4. In view of the above, placing on record the order passed by the State Government dated 21.11.2007, the Writ Appeal filed by the State Government is disposed of as under:

(1) The Writ Appeal is disposed of without going into the merits or demerits of the case pleaded by both the parties.

(2) The order passed by the State Government, G.O.(MS)NO. 416/07/Revenue dated 21.11.2007 is placed on record.

(3) The State Government and its Officials will implement the order passed, within three months from the date of receipt of a copy of this Order.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

kbk.

H.L. DATTU, CJ
&
K.M. JOSEPH, J.

W.A. NO.1627 OF 1999

JUDGMENT

1ST DECEMBER, 2007.